

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 20, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM EDWARD GREEN,

Petitioner,

v.

STEVENS CO JAIL,

Respondent.

No. 2:24-CV-0003-TOR

**ORDER DISMISSING PETITION
WITHOUT PREJUDICE FOR
FAILURE TO COMPLY WITH
FILING FEE OR *IN FORMA*
PAUPERIS REQUIREMENTS**

On January 3, 2024, Petitioner William Edward Green, an individual currently housed at the Eastern State Hospital, filed a *pro se* Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. ECF No. 1. Petitioner failed to pay the filing fee or provide an application to proceed *in forma pauperis*. *Id.*

By letter dated January 4, 2024, the Clerk's Office directed Petitioner to submit the correct form of Application to Proceed without Prepayment of Fees and Affidavit and provided him the form with which to do so. ECF No. 2. Specifically, the Clerk's Office directed Petitioner to have the "Certificate" portion of the

ORDER DISMISSING PETITION WITHOUT PREJUDICE FOR FAILURE TO
COMPLY WITH FILING FEE OR *IFP* REQUIREMENTS -- 1

1 Application properly completed by an Authorized Officer of the prison. *Id.* In the
2 alternative, the Clerk's Office informed Petitioner that he could pay the \$5.00 filing
3 fee. *Id.*

4 On February 13, 2024, this Court issued an Order to Comply with Filing Fee
5 or *In Forma Pauperis* Requirements. ECF No. 4. Once again, Petitioner was
6 instructed to either pay the \$5.00 filing fee or submit a correct and completed
7 Application to Proceed without Prepayment of Fees and Affidavit and was provided
8 the form with which to do so. *Id.* Petitioner was cautioned that failure to do either
9 by March 14, 2024, would be construed as his consent to the dismissal of this action.
10 *Id.* at 2. To date, Petitioner has neither paid the filing fee nor submitted an
11 application to proceed *in forma pauperis* as directed.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 **1.** The Petition, **ECF No. 1**, is **DISMISSED WITHOUT PREJUDICE**
14 for failure to comply with the filing fee or *in forma pauperis* requirements set forth
15 in Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District
16 Courts.

17 **2.** The Clerk of Court is directed to **ENTER JUDGMENT** and **CLOSE**
18 this file.

19 //

20 //

ORDER DISMISSING PETITION WITHOUT PREJUDICE FOR FAILURE TO
COMPLY WITH FILING FEE OR *IFP* REQUIREMENTS -- 2

1 **3.** The Court certifies that an appeal from this decision could not be taken
2 in good faith and there is no basis upon which to issue a certificate of Appealability.
3 *See* 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order and
5 provide a copy to Petitioner.

6 **DATED** this 20th day of March 2024.



9

10

11

12

13

14

15

16

17

18

19

20

Thomas O. Rice
THOMAS O. RICE
United States District Judge